

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor(s): STANLEY

RECEIVED  
CENTRAL FAX CENTERPATENT  
APPLICATION

NOV 22 2004

Appn. No. 09/963,621

Group Art Unit/TC: 2142

series code ↑ ↑ serial no.

Filed: September 27, 2001

Examiner: D.M. Ramirez

Title: Nucleotide Sequences Coding for the *thrE* Gene and Process for the Enzymatic Production of  
L-threonine Using Coryneform BacteriaTERMINAL DISCLAIMER

(By Attorney)

Re Double-Patenting RejectionCommissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned petitioner, an attorney of record, is hereby acting for the undersigned entity  
which is the 100% owner of all rights, title and interests in and to the subject application:

1.  by virtue of being the Inventor(s) and having not assigned this application
2.  as shown by the Assignment recorded September 27, 2001 on Reel 012207 at Frame 0583  
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3.  as shown by the attached copy of the Assignment filed for record on \_\_\_\_\_  
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and hereby disclaims (except as provided below) the terminal part of the statutory term of any patent  
granted on the subject application, which would extend beyond the expiration date of the full statutory term  
defined in 35 U.S.C. 154 to 156 and 173, as presently shortened (if at all) by any terminal disclaimer of:

5.  any patent granted in regard to U.S. Application No. \_\_\_\_\_ filed \_\_\_\_\_
6.  the earlier granted United States Patent No. 6,596,516

to which said entity also has legal title. Petitioner hereby reserves the right to extend the term of the patent,  
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agrees that any patent so granted on the subject application shall be enforceable only for and during such  
period that it and the patent in the above line numbered 5 or 6 are commonly owned. This agreement runs  
with any patent granted on the subject application and is binding upon the grantee, its successors or  
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PAGE 3/20 \*RCVD AT 11/22/2004 2:31:56 PM [Eastern Standard Time]\*SVC:USPTO-EXRF-1/1 \*DMS:0720306 \*CSID:703 805 2500 \*DURATION (mm:ss):05:46

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 158 and 173 of the patent in line numbered 6 or 6 above, as presently shortened by any terminal disclaimer, of the above-listed patent in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Entity: Deutsche AG

Atty. Sig. 

Attorney of Record:

Name: Thomas A. Cawley, Jr., Ph.D.

Reg. No.: 40944

Date: November 22, 2004

• Attorney and client: Please note on that other file and also this appln. file not to assign either separately in view of this disclaimer.

Terminal disclaimer fee under 37 CFR 1.20(d) is charged on the accompanying cover sheet (PAT-120). Should it be missing or inadequate, please charge our Deposit Account No. 03-3975 under Order No. 021123/0282413  
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